

August 17, 2004 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

05PW0117

Mark Sowers  
(Genito Exposition Center)

Clover Hill Magisterial District  
East line of Genito Place

REQUEST: Waiver of Development Standards

The applicant is requesting Planning Commission approval of a development standards waiver regarding paving and curbing. Specifically the applicant requests a waiver to Section 19-514(d)(1) to allow a portion of a proposed parking area to be gravel, without concrete curb and gutter.

Specific language of Section 19-514(d)(1) is included in the background section of this report.

RECOMMENDATION

Staff recommends approval of the request with one (1) condition for the following reasons:

1. The request substantially complies with the five (5) findings required for the Planning Commission to consider approval of the waiver. (see applicant's letter, attached)
2. The design and location of the gravel parking area is such that it will have little impact on the surrounding area.

CONDITION:

1. The areas of gravel parking within the site shall be visually separated and minimized from the public road, internal circulation and paved parking areas

through the use of large planting islands, berms and landscaping generally as shown on the attached plan.

2. Planting islands and areas functioning as visual separations shall utilize an automatic irrigation system.

### GENERAL INFORMATION

#### Associated Public Hearing Cases:

84S020 – Midlothian Development Corp.  
79S142 – Midlothian Development Corp.

#### Developer:

Mark Sowers

#### Location:

West line of Genito Place approximately 600 feet north of Genito Road, and extending to the west line of Route 288. Tax ID 732-689-Part of 5376 (Sheet 10).

#### Existing Zoning and Land Use:

I-1 - Vacant

#### Size:

39.89 acres – area for parking and new playground

#### Adjacent Zoning and Land Use:

North - I-1 - Genito Mini Storage  
East - I-1 - Vacant  
West - C-3 & I-1 – Vacant; R-15 - Residential  
South - I-1 - Vacant

### BACKGROUND

The Zoning Ordinance requires paved parking and curb and gutter in the following section:

#### **Section 19-514(d)(1).**

With the exception of: (i) single-family residential and farm uses; (ii) areas where track-mounted equipment is stored or displayed; (iii) property in I-2 and I-3 Districts; or (iv) areas for the storage of customer vehicles in motor vehicle storage/towing lots, driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Except in I-2 and I-3 Districts, surface-treated parking areas and drives shall be

prohibited. Areas where track mounted equipment is stored or displayed and areas for the storage of customer vehicles in motor vehicle storage/towing lots shall have a minimum surface of six inches of No. 21 or No. 21A stone.

Except as detailed in the Environmental Engineering Department's Reference Manual, concrete curb and gutter shall be installed around the perimeter of all paved driveways and parking areas. Other curbing material of similar quality, such as brick or cobblestone, may be permitted through site or schematic plan review. Drainage shall be designed so as not to interfere with pedestrian traffic.

The applicant has stated that a wide variety of functions are expected at this facility. While some of these events (such as graduations) will require a large number of parking spaces, many (such as a smaller computer show) will not. Additionally, some events may have a need for an area to set up outdoor displays of machinery or equipment that may be incompatible with or cause damage to an asphalt surface.

This site is located on a road that has been terminated in a cul-de-sac due to the construction of the Powhite Parkway that prevents through traffic and much of the adjoining land is zoned for light industry so there will be no residential traffic passing by the site. The elevation of the site and the distance of the proposed gravel areas from the Route 288 right of way severely restricts visibility of these gravel areas from that road. With the imposed condition, motorists traveling to this facility and to other uses on this road will have minimal views of the gravel lot areas.

### CONCLUSIONS

The Zoning Ordinance requires that the Planning Commission consider five (5) findings in its determination of development standards waiver requests. Staff believes the applicant's justifications substantially comply with the five (5) findings.

Staff recommends approval of the waiver with the one (1) condition.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY  
OF CHESTERFIELD, 1978, AS AMENDED, BY AMENDING  
AND REENACTING SECTION 19-19 RELATING TO  
MODIFICATIONS TO DEVELOPMENT STANDARDS AND REQUIREMENTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

- (1) *That Section 19-19 of the Code of the County of Chesterfield, 1978, as amended, is amended and reenacted to read as follows:*

Sec. 19-19. Planning commission may grant modifications to development standards and requirements.

(a) Except for those development standards or requirements which must be modified by the granting of a variance, special exception, conditional use or a rezoning, the planning commission may grant modifications, with or without conditions, to development standards or requirements specified in this chapter. The planning commission shall fix a reasonable time for the hearing of an application under this section and decide the same within 60 days after its first hearing on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.

(b) No modification to a development standard or requirement shall be authorized by the planning commission unless it considers and determines substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or nearby properties or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such properties the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

- (5) The granting of such modification will allow the project to comply with the comprehensive plan.

(c) In authorizing a modification, the planning commission may impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem necessary to the public interest; and it may require a guarantee or bond to remain in effect until compliance with such conditions has occurred.

(d) The planning commission shall not grant more than the minimum necessary modification to the appropriate development standard or requirement to resolve the hardship. The planning commission shall not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if the planning commission determines that permanent compliance will be obtained in a future phase of development.

(e) The planning commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the board of supervisors or the board of zoning appeals, unless such condition specifically grants such modification authority to the planning commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

(f) If the applicant disagrees with the planning commission's final decision, he may file a written appeal with the circuit court within 60 days of that decision. In addition, adjacent property owners may appeal the planning commission's final decision by filing a written appeal with the circuit court within 60 days of that decision. Adjacent property owners' appeals shall be limited to conditions which directly affect the property owners and include access, utility locations, buffers, conditions of zoning, architectural treatment and land use transitions. The court shall fix a reasonable time for hearing the appeal. During the appeal, the director of planning shall not approve any applicable site plan, building permit or record plat for any construction that would or could be affected by the appeal.

(Code 1978, § 21.1-12.1; Ord of 6-12-96, § 1)



August 4, 2004

Mr. Kirk Turner  
Chesterfield County  
Planning Department  
9901 Lori Road  
P.O. Box 40  
Chesterfield, Virginia 23832

RE: Genito Exposition Center

Dear Mr. Turner,

Mark Sowers, member of Expo Investments, LLC and developer of the Genito Exposition Center, is requesting a standard development waiver to the requirement that all parking areas within their site be curbed and paved. The area of parking the developer wishes to pave is delineated on the revised schematic plan attached to this letter. The developer wishes to pave only the parking necessary to accommodate the majority of shows that would be held at the facility. The total number of spaces to be paved will be 1,265. The remainder of the parking spaces shown on the plan will be a 6" course of #21-A stone. This parking would be temporarily used during large events and for outdoor display, while remaining empty during most of the year. This parking will also be screened from any view to the extent possible using berming, landscaping and existing vegetation. In requesting this waiver, the five factors for allowing a development standard waiver were considered. The responses to the five factors are as follows:

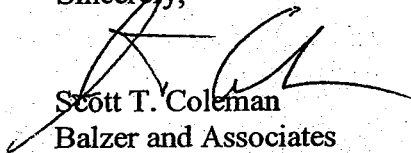
1. Due to the uniqueness of this use, the parking requirements are such that much of the parking areas will remain empty during most of the year, only being used during a small number of shows. The condition is temporary in nature and does not justify installing a permanent parking area at this time.
2. The granting of this modification to the development standard will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience. Due to the nature of an exposition center and the developer's desire to be able to accommodate a large show or event (i.e.; a graduation), he is constructing a large facility, but the parking requirements are such that if the whole parking area were paved he would need to acquire further land or impact environmentally sensitive areas to be able to accommodate the outdoor display areas used in the smaller shows.

• PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS

3. The modification will not be injurious to the use and enjoyment of adjacent owners; will not diminish property values within the area; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare. This parking area will be buffered from the main public right-of-way as depicted on the schematic plan and the nature of Genito Place is such that there is no residential traffic that uses the road nor will there be in the future as the adjacent parcel across the street is zoned C-5 and Genito Place terminates prior to route 288.
4. The situation of the property and intended use is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment in the zoning ordinance. This is a unique situation and is not foreseen as a recurring issue in this area.
5. The project will still comply with the comprehensive plan for this area if the standard development waiver to allow the gravel parking area is granted.

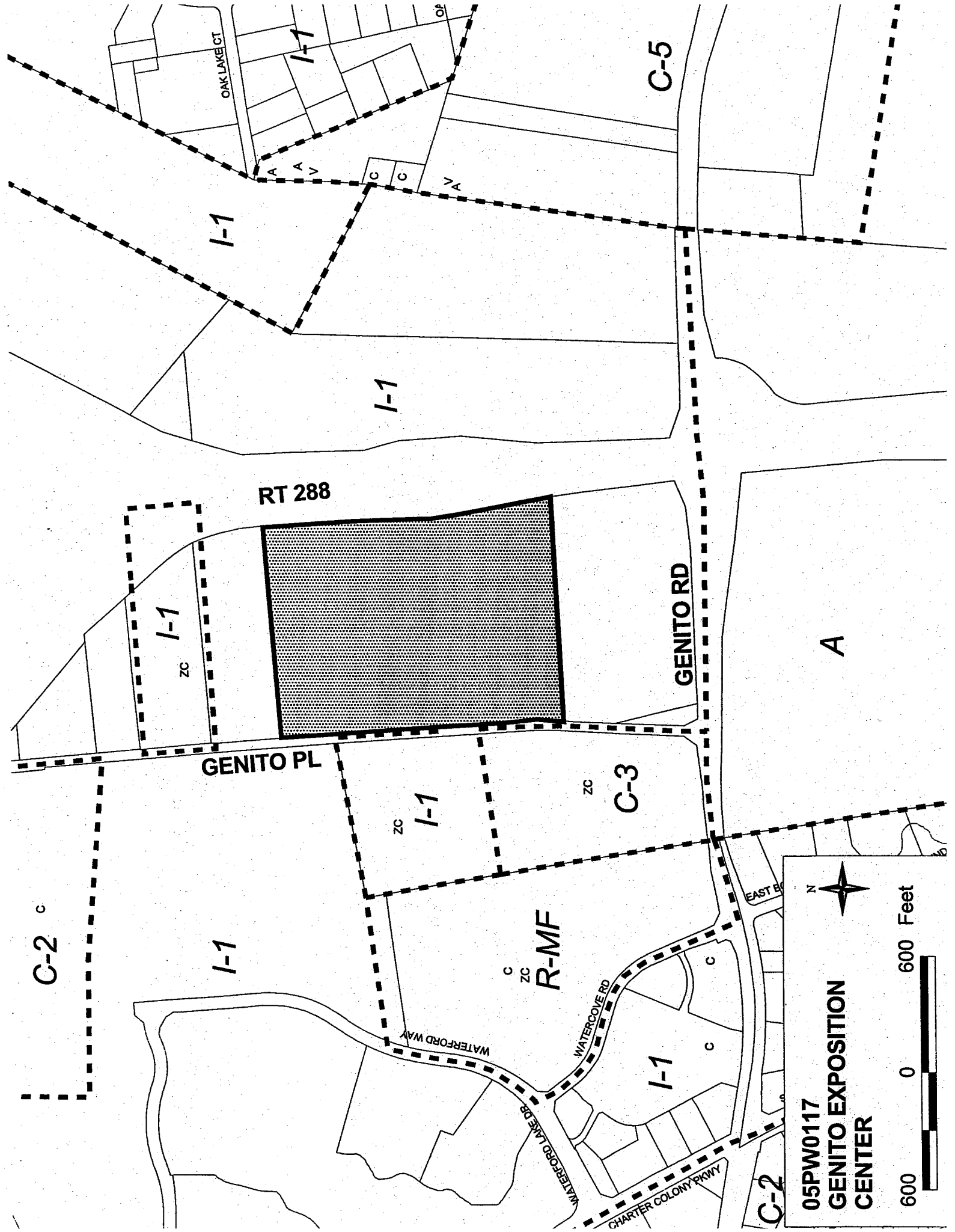
With the findings to the five factors, Mr. Sowers feels that the standard development waiver should be granted.

Sincerely,



Scott T. Coleman  
Balzer and Associates  
(Representatives for the owner)

Cc: Mr. Mark Sowers  
Mr. David Posner  
Mr. Russ Gulley  
Mr. Art Warren



RT 288

GENITO PL

GENITO RD

C-2

I-1

ZC

I-1

ZC

C-3

ZC

R-MF

I-1

C

C

A

C-5

OAK LAKE CT

I-1

A

A

C

C

A

I-1

I-1

I-1

ZC

EAST B

WATERCOVER RD

WATERFORD WAY

WATERFORD LAKE DR

CHARTER COLONY PKWY

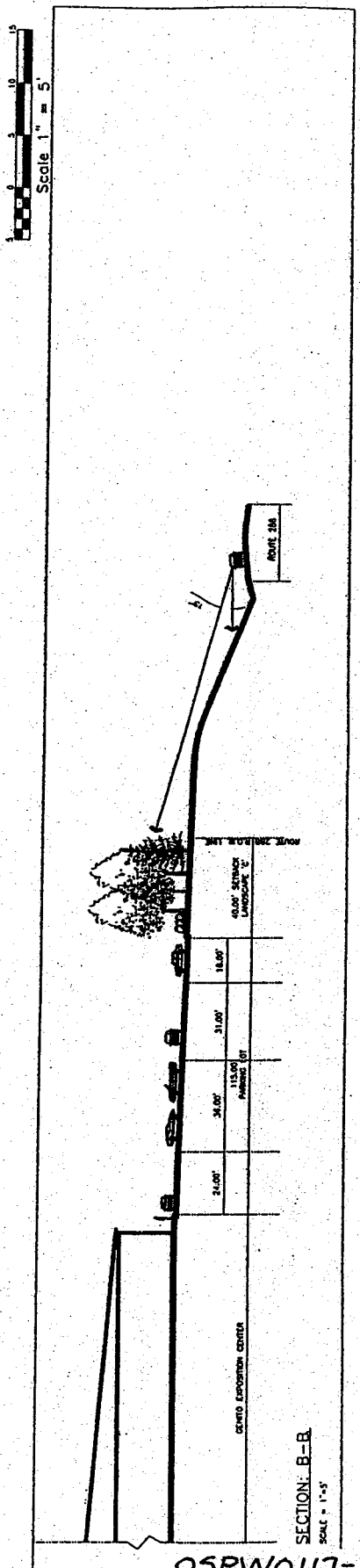
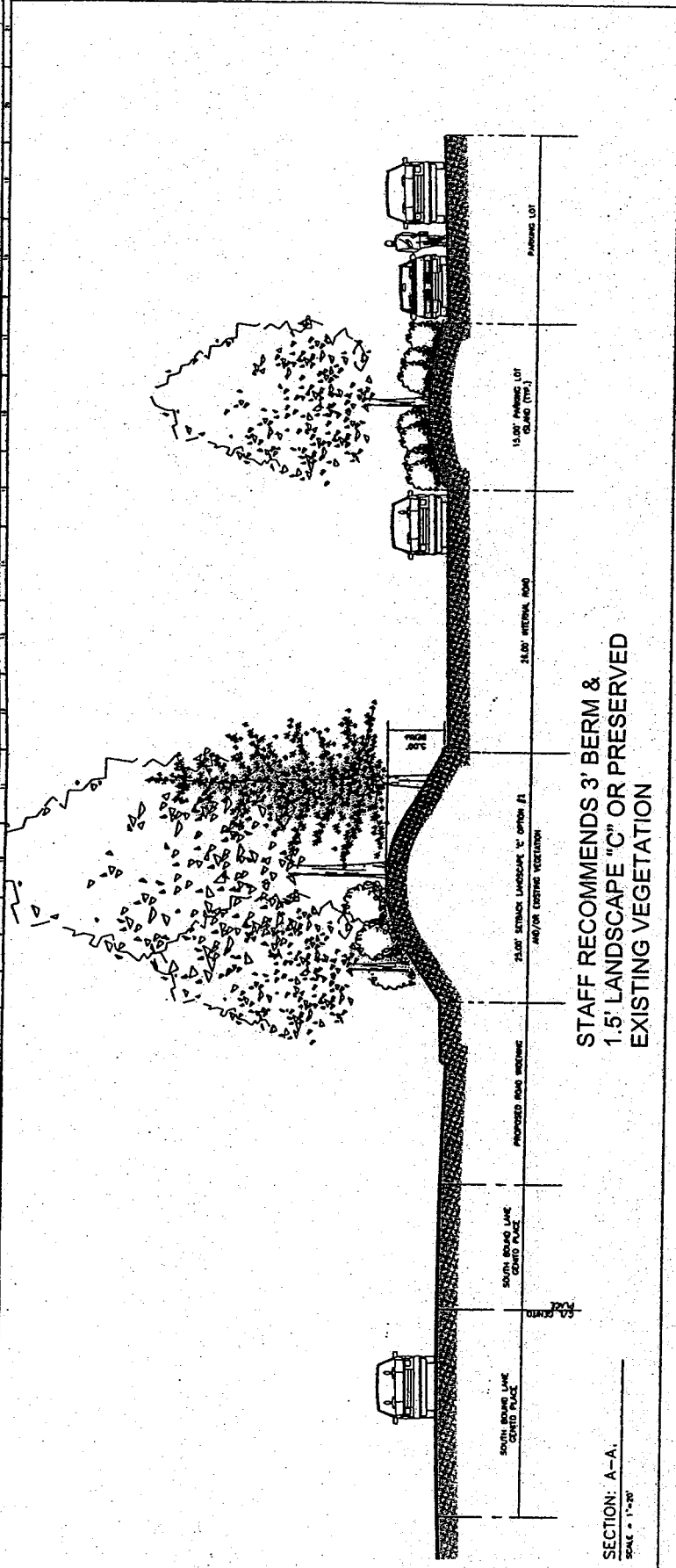
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GENITO EXPOSITION  
CENTER



600 0 600 Feet







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